

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

U.S. DISTRICT COURT  
FOR SOUTHERN DISTRICT OF GEORGIA

2012 OCT 31 PM 12:11

TYRONE SAMUEL FIELDS, )  
Petitioner, ) CLERK   
v. ) SO. DIST. OF GA.  
UNITED STATES OF AMERICA, )  
Respondent. )  
\_\_\_\_\_  
CASE NO. CV411-044  
CR409-147

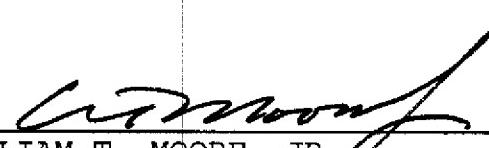
O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 37), to which objections have been filed (Docs. 42, 43). After a careful de novo review of the record, the Court finds Petitioner's objections without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case and the § 2255 Petition is **DISMISSED**. As noted in the report and recommendation, the Court declines to grant Petitioner a Certificate of Appealability, rendering moot any request for leave to appeal in forma pauperis. The Clerk of Court is **DIRECTED** to close this case.

In his objections, Petitioner takes issue with the Magistrate Judge's credibility determinations and factual findings. (Doc. 43 at 2.) After carefully reviewing the record in this case, the Court is ultimately led to the same conclusion as the Magistrate Judge—that is,

Petitioner's counsel had no duty to consult with Petitioner because Petitioner never expressed any interest in appealing the sentence that he expected to receive and Petitioner's counsel could think of no nonfrivolous grounds to raise an appeal. Despite the inconsistencies in counsel's version of events to that of Petitioner's witnesses, the Court still believes that counsel's version is more credible. As a result, the Court can find no reason to reject the Magistrate Judge's findings and conclusions.

SO ORDERED this 31<sup>st</sup> day of October 2012.



WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA